

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELCORDIA TECHNOLOGIES, INC.,
Plaintiff/Counterclaim Defendant,

v.

LUCENT TECHNOLOGIES, INC.,
Defendant/Counterclaim Plaintiff.

C.A. No. 04-875-GMS

TELCORDIA TECHNOLOGIES, INC.,
Plaintiff/Counterclaim Defendant,

v.

CISCO SYSTEMS, INC.,
Defendant/Counterclaim Plaintiff.

C.A. No. 04-876-GMS

**DECLARATION OF LESLIE A. POLIZOTI, ESQUIRE IN SUPPORT
OF LUCENT AND CISCO'S ANSWERING CLAIM CONSTRUCTION BRIEF ON
UNITED STATES PATENT NOS. 4,893,306, 4,835,763, AND RE 36,633**

I, Leslie A. Polizoti, declare as follows:

1. I am a member of the Bar of this Court and an associate at the law firm of Morris, Nichols, Arsht, & Tunnell LLP, attorneys for defendant Cisco Systems, Inc. ("Cisco") in this action. I make this declaration in support of Lucent and Cisco's Answering Claim Construction Brief.

2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 4,833,673, issued on May 23, 1989.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the original application that issued as the '306 patent, dated November 10, 1987.

4. Attached as Exhibit 3 is a true and correct copy of an Office Action from the prosecution history of the '306 patent, dated September 2, 1988.

5. Attached as Exhibit 4 is a true and correct copy of MPEP § 803 (8th Ed., Rev. 4), dated October 2005.

6. Attached as Exhibit 5 is a true and correct copy of a Response to Office Action from the prosecution history of the '306 patent, dated October 5, 1988.

7. Attached as Exhibit 6 is a true and correct copy of U.S. Patent No. 4,855,999, issued on August 8, 1989.

8. Attached as Exhibit 7 is a true and correct copy of U.S. Patent No. 4,833,671, issued on May 23, 1989.

9. Attached as Exhibit 8 is a true and correct copy of U.S. Patent No. 4,819,226, issued on April 4, 1989.

10. Attached as Exhibit 9 is a true and correct copy of excerpts from the transcript from the claim construction hearing in *Bell Communications Research v. Fore Systems*, C.A. No. 98-586 (D. Del.), dated March 23, 2000.

11. Attached as Exhibit 10 is a true and correct copy of an excerpt from Bellcore's answering claim construction brief in *Bell Communications Research v. Fore Systems*, C.A. No. 98-586 (D. Del.), dated September 9, 1999.

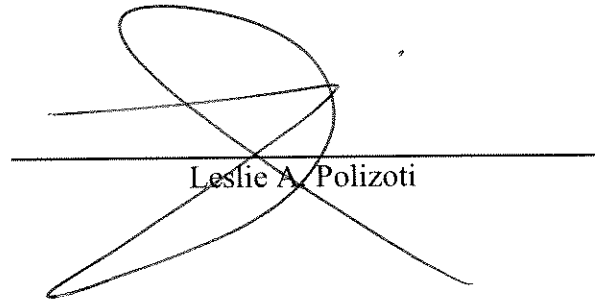
12. Attached as Exhibit 11 is a true and correct copy of the opinion in *Bicon, Inc. v. The Straumann Company*, -- F.3d --, No. 05-1168, 2006 WL 688797 (Fed. Cir., Mar. 20, 2006).

13. Attached as Exhibit 12 is a true and correct copy of the Office Action from the prosecution history of the '763 patent, dated October 6, 1988.

14. Attached as Exhibit 13 is a true and correct copy of an Amendment from the prosecution history of the '763 patent, dated January 4, 1989.

Executed this 24 th day of March, 2006 at Wilmington, Delaware

I declare under penalty of perjury that the foregoing is true and correct.



Leslie A. Polizoti

CERTIFICATE OF SERVICE

I certify that on March 24, 2006 I electronically filed the foregoing *DECLARATION OF LESLIE A. POLIZOTI, ESQUIRE IN SUPPORT OF LUCENT AND CISCO'S ANSWERING CLAIM CONSTRUCTION BRIEF ON UNITED STATES PATENT NOS. 4,863,306, 4,835,763, AND RE 36,633* with the Clerk of the Court using CM/ECF, which will send notification of such filing to Steven J. Balick and John G. Day.

I further certify that I caused to be served copies of the foregoing document on March 24, 2006 upon the following in the manner indicated:

BY HAND

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BY FEDERAL EXPRESS

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Leslie A. Polizoti (#4299)